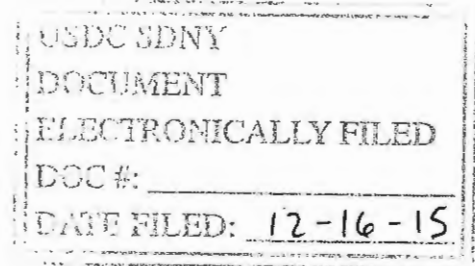


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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GOJO INDUSTRIES, INC.,

*Plaintiff,*

15 Civ. 2946 (PAC)

*-against-*

INNOVATIVE BIODEFENSE, INC.,

**ORDER**

*Defendant.*

-----X

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court has reviewed the exchange of correspondence, dated December 9, 2015 ("IBD"), and December 14, 2015 ("Gojo"); and makes the following determinations:

With respect to the 4 documents identified at pg. 1 and 2 of IBD's letter of December 9, 2015:

- (1) Zylast Matrix.docx.
- (2) Zylast Matrix v. 2 17Dec.14.docx.
- (3) Zylast draft test plan.
- (4) Testing results.

Gojo is directed to produce those 4 documents for in camera review. The submission should include the e-mails to which these 4 documents were attached. Gojo may submit a short memorandum explaining why and how the 4 documents are protected by attorney-client privilege and/or work product.

With respect to Section "B" at page 3 of IBD's letter of December 9, 2015, and Exhibit A annexed thereto, the Court makes the following determinations:

Where Gojo represents that it has searched and produced all responsive non-privileged documents,<sup>1</sup> that representation is deemed conclusive. This determination addresses the discovery disputes concerning IBD Request Numbers 10, 12, 13, 18, 19, 23, 24, 27, 28, 34, 35, 38, 46, 50 (47, 51, 52, 53, 54),<sup>2</sup> 56, 57, 58, 59, 61, 62, 63, 64, 66, 69, 70, 67, 80, 81, 85, 86, 97, and 98.

With respect to Requests 11 and 25, IBD should provide a listing of up to 10 customers. After the listing is provided by IBD, Gojo must search for and produce responsive documents.

Request 20. This is more appropriate as a 30(b)(6) request.

Request 40. Gojo's objection is sustained.

Request 41. This request must be narrowed; it is overbroad.

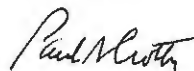
Request 55. See order with respect to Requests 11 and 25.

Request 60. This request must be narrowed; it is overbroad.

Request 65. IBD should identify what FDA guidelines the request refers to. Gojo should then search for and produce responsive documents.

Dated: New York, New York  
December 16, 2015

SO ORDERED



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PAUL A. CROTTY  
United States District Judge

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<sup>1</sup> See Ex. B of Gojo letter dated December 14, 2015.

<sup>2</sup> With respect to these 5 requests, this determination does not end the inquiry. IBD may pursue the topic with the authors of the reports, and the grounds which published the reports. If it turns out that Gojo's representations are not accurate, there could be consequences.